

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BARBARA KNAPKE, individually and on behalf of all others similarly situated,

Case No. 2:21-cv-00262-MJP

## **JOINT STATUS REPORT**

V.

## PEOPLECONNECT, INC.,

## Defendants.

Pursuant to the Court’s August 15, 2022 Order (Dkt. 61), Counsel for Plaintiff Barbara Knapke, (“Plaintiff”) and Defendant PeopleConnect, Inc. (“PeopleConnect”), by and through their attorneys, respectfully submit the following Joint Status Report:

1. On June 29, 2022, the Ninth Circuit vacated the Court’s decision denying PeopleConnect’s Motion to Compel Plaintiff Knapke to Arbitration (Dkt. 25) and remanded the case for arbitration-related discovery. *Knapke v. PeopleConnect, Inc.*, No. 21-35690 (June 29, 2022), at 5. The Ninth Circuit held that “questions of fact precluded ruling on the motion to compel arbitration” including “whether Knapke and [her attorney] had an agency relationship when [her attorney] agreed to the Terms of Service; if they did have an agency relationship, whether and how Knapke limited [her attorney]’s authority as her agent; and whether Knapke ratified [her attorney]’s agreement to arbitrate even if [her attorney] initially lacked authority to bind her to the

agreement.” *Id.* at 4–5. The Ninth Circuit concluded that under the Federal Arbitration Act, “PeopleConnect has a right to conduct discovery on these and related arbitrability issues before the district court decides the motion to compel arbitration.” *Id.* at 5.

2. On June 29, 2022, the Court ordered the parties to meet and confer to discuss discovery and submit a Joint Status Report by July 13, 2022. (Dkt. 56).

3. On July 6, 2022, counsel for Plaintiffs and PeopleConnect met and conferred via Zoom. After the meet and confer, counsel for Plaintiff Knapke learned that she had passed away. At that time, the parties requested an additional thirty (30) days for Plaintiff Knapke’s counsel to identify the proper successor in interest pursuant to Rule 25, and to report to PeopleConnect and the Court regarding proposed next steps. (Dkt. 57). The Court granted that request. (Dkt. 58).

4. On August 12, 2022, Counsel for Plaintiff requested an additional thirty (30) day extension to fully collect and submit documents related to Ms. Knapke's death (Dkt. 60).

5. On August 15, 2022, the Court granted the request for an additional thirty (30) day extension for Plaintiff to fully collect and submit documents (Dkt. 61).

6. On September 12, 2022. Plaintiff's Counsel filed a suggestion of death on the record (Dkt. 62) and a motion to substitute Ms. Knapke's husband and sole heir, Jerald Knapke, as Plaintiff (Dkt. 63). Mr. Knapke has informed Plaintiff's counsel that he does not intend to pursue the case upon being substituted pursuant to Rule 25. Plaintiff's Counsel will file a notice of voluntary dismissal on Mr. Knapke's behalf once the Court grants the motion to substitute.

Dated: September 12, 2022

Respectfully submitted,

BURSOR & FISHER, P.A.

By: /s/ Philip L. Fraietta  
Philip L. Fraietta

Philip L. Fraietta (*Pro Hac Vice*)  
888 Seventh Avenue  
New York, NY 10019  
Telephone: (646) 837-7150  
Facsimile: (212) 989-9163  
E-Mail: pfraietta@bursor.com

1  
2           **CARSON NOEL PLLC**  
3           Wright A. Noel (State Bar No. 25264)  
4           20 Sixth Avenue NE  
5           Issaquah, WA 98027  
6           Tel: (425) 837-4717  
7           Fax: (425) 837-5396  
8           E-Mail: wright@carsonnoel.com

9  
10          *Attorneys for Plaintiff*

11          **GORDON TILDEN THOMAS & CORDELL LLP**

12          By: /s/ Michael Rosenberger

13          Michael Rosenberger, WSBA # 17730  
14          Mark Wilner, WSBA # 31550  
15          Samantha K. Pitsch, WSBA # 54190  
16          600 University Street, Suite 2915  
17          Seattle, Washington 98101  
18          Telephone: 206 467-6477  
19          Email: mrosenberger@gordontilden.com  
20          Email: mwilner@gordontilden.com  
21          Email: spitsch@gordontilden.com

22          Debbie L. Berman (*pro hac vice pending*)  
23          Wade A. Thomson (*pro hac vice pending*)  
24          Clifford W. Berlow (*pro hac vice pending*)

25          **JENNER & BLOCK LLP**

26          353 North Clark Street  
27          Chicago, IL 60654  
28          Telephone: 213-222-9350  
29          Email: dberman@jenner.com  
30          Email: wthomson@jenner.com

31          Brent Caslin, WSBA # 36145

32          **JENNER & BLOCK LLP**

33          515 S. Flower Street, Suite 3300  
34          Los Angeles, California 90071-2246  
35          Telephone: 213 239-5100  
36          Email: bcaslin@jenner.com

37          *Attorneys for Defendant*